GRANDPARENT VISITATION For Petitioner Only



To Get the First Court Order

Part 1: Completing and Filing the Court Papers

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ESTABLISH GRANDPARENT VISITATION

PETITIONER ONLY

PART 1 -- THE FIRST COURT PAPERS

How to assemble these documents

This packet contains court forms and instructions to file a Petition to establish grandparent visitation. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRGV1t	Table of forms/instructions in this packet	
2	DRGV1k	Checklist for Petition	1
3	DRGV11i	Help to complete the Petition for Grandparent Visitation	3
4	DRGV10p	Procedures: How to File Papers with the Court for Establishment of Grandparent Visitation	2
5	DRFC10f	"Family Court Cover Sheet"	2
6	DRSDS10f	"Sensitive Data Sheet"	1
7	DR11f	"Summons"	2
8	DRGV11f	"Petition for Grandparent Visitation "	5

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PETITION AND PAPERS FOR ORDER ABOUT **GRANDPARENT VISITATION**

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation

- You are natural or adoptive grandparents or great grandparent of the children, AND
- You want to get a court order allowing you visitation with the children, AND
- The children resided (lived) in Arizona at least 6 months before you file the petition or you talked to a lawyer who advised you that even so you could pursue the case in Arizona AND one of the following is true:
 - The parents of child(ren) have been divorced for at least 3 months,
 - One parent has been dead or missing for at least 3 months, OR
 - The child(ren) were born out of wedlock

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

March 15, 2005

INSTRUCTIONS FOR HOW TO FILL OUT VISITATION PAPERS FOR GRANDPARENTS

WHEN TO USE THIS FORM:

Use this form if you are natural or adoptive grandparent(s) or great grandparent(s) who want to get a court order for visitation.

When filling out any court forms, please type or print with black ink only!

FAMILY COURT COVER SHEET:

Print clearly or type in black ink only.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet.

Information About the Petitioner: Write in your name, address, home telephone number, work telephone number, cell phone/pager number, date of birth, and e-mail address in the space provided. If your address and telephone numbers are protected, you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name and bar number.

Information about the other party, the Respondent: Write in the name of the Respondent. If you know the Respondent's address, home telephone number, work telephone number, cell phone/pager number, date of birth, and e-mail address, you must write in this information.

Minor Children Involved: List the names and dates of birth for any minor children involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

Other court cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

Domestic Violence Section: Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children's Issues Section: Answer the questions regarding the children you listed on the Family Court Cover Sheet. This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Location: If you are filing your documents in Phoenix, check the Downtown Phoenix box or the Northeast Phoenix box. If you are filing your documents in Mesa, check the Mesa box. If you are filing your documents in Surprise, check the Surprise box.

SUMMONS:

Fill in the following information where requested: Your name; street address (if not protected); city, state and ZIP; telephone number; ATLAS NUMBER; name of Petitioner (your name); and name of Respondent (the opposing party's name). There will be an ATLAS number ONLY if one of the parents receive or have received AFDC or other public benefits for the children for whom you want to establish visitation.

PETITION:

- A. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and ZIP code; telephone number.
- B. Fill in YOUR name in the space that says "Name of Petitioner." If more than one person is the grandparent who wants visitation, put both names here. Remember, you will be the PETITIONER through the whole case. In the space that says "Name of Respondent," fill in the name of the father, mother, and/or other legal guardian, who will be the RESPONDENT (S) for the rest of your case. Generally you name whoever has custody of the children because this is the person who will have to obey the visitation order.

The Clerk will enter the case number when you file.

<u>WARNING:</u> IF THE COURT HAS ALREADY MADE AN ORDER FOR DIVORCE OR CHILD CUSTODY OR PATERNITY IN MARICOPA COUNTY, DO NOT GET A NEW CASE NUMBER WHEN FILING YOUR CASE! USE THE EXISTING CASE NUMBER. IF YOU DO NOT KNOW THE EXISTING CASE NUMBER, ASK THE CLERK FOR YOUR EXISTING NUMBER BEFORE YOU FILE YOUR COMPLAINT/PETITION.

- 1. **Information about you:** Fill in your name, address (if not protected) and date of birth. This is basic information about YOU, the PETITIONER, and your relationship to the children for whom you want the order.
- 2. **Information about the mother:** Fill in the information about the mother, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 3. **Information about the father:** Fill in the information about the father, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 4. **Information about the legal guardian (if any):** Fill in the information about any legal guardian for the children, including address and date of birth. This is basic information about the opposing party, the RESPONDENT.
- 5. **Information about the children:** Fill in information about all the children for whom you want this order. The same persons should be the custodial adult for all the children for whom you want this order. If the children have different adults who have custody, name all the adults with custody as respondents in the caption, and complete all the information about them in numbers 2, 3, and/or 4 above.
- 6. **Legal Reasons you should have visitation:** under the law, grandparents can only have visitation orders in certain cases. Read all the choices and decide which one applies to you. Then complete all the information about the choice you selected. If your situation does not fit one of the choices, do not file the Petition. You can ask a lawyer for help, to see if there is some other legal ground upon which you can ask for visitation.
- 7. **Relationship with Children:** explain here what our relationship with the children has been for the past 6 months, and why it is best for the children to have visitation with you.
- 8. **Your visitation plan:** Explain here specifically what visitation arrangements you think are best for the children.

Other information about the children: If you are aware of court cases about the children, you need to tell the court that. Attach a copy of the orders about custody, visitation, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

- 9. **More information about children:** Fill out where the children from this action have been living **for the past 5 years**; if any children are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
- 10. **Other cases about the children:** You must tell the Court if there are prior cases involving your minor child(ren) that don't involve custody or visitation, e.g. personal injury cases involving the child(ren). If there are no other cases, mark the first box and GO ON. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.
- 11. **Other custody, visitation, support cases about these children:** The Court **MUST** know if there have been other cases involving custody, visitation or child support of the children of this case. If there are no other custody or visitation cases, or you don't know of any, mark the second box and GO ON. If you <u>have</u> been involved in any way with this type of Court case, mark the first box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
- 12. **Custody rights of others as to these children:** If you do not know of another person OTHER THAN THE OPPOSING PARTY who is claiming custody or visitation rights to any of the children, mark the first box and GO ON. If you do know of such a person, put the information here, including the child's name and the person who believes they have a custody or visitation claim.
- 13. **Proper location for this court case:** the grandparents, parents/custodian, or children must live in Maricopa County for this to be a proper county for you to pursue your court case.

REQUESTS MADE TO THE COURT FOR CUSTODY, VISITATION AND CHILD SUPPORT

This section of the Petition formally requests that the Court make Orders relating to grandparent visitation

- 1. VISITATION
- 2. OTHER ORDERS

OATH AND VERIFICATION OF PETITIONER:

Sign this form in front of a notary. By doing so you are telling the court that everything contained in the Petition for Grandparent Visitation is true.

PROCEDURES: HOW TO FILE PAPERS WITH THE COURT FOR ESTABLISHMENT OF GRANDPARENT VISITATION

- STEP 1: Make 2 copies of the following documents after you have filled them out.
 - "Sensitive Data Sheet"
 - "Summons"
 - "Petition for Grandparent Visitation"

STEP 2: SEPARATE YOUR DOCUMENTS INTO THREE (3) SETS:

SET 1 - ORIGINALS FOR CLERK OF COURT:

- "Sensitive Data Sheet"
- "Summons"
- "Petition for Grandparent Visitation"

"Family Court Cover Sheet"

SET 2 - COPIES FOR OTHER PARTY:

- "Sensitive Data Sheet"
- "Summons"
- "Petition for Grandparent Visitation"

SET 3 - COPIES FOR YOU:

- "Family Court Cover Sheet"
- "Sensitive Data Sheet"
 - "Summons"
- "Petition for Grandparent Visitation"

STEP 3: FILE THE PAPERS AT THE COURT:

GO TO: GO TO THE COURT TO FILE YOUR PAPERS: The court is open from 8am-5pm, Monday-Friday. You should go to the court at least two hours before it closes.

You may file your court papers at the following Superior Court locations:

Clerk of the Superior Court

Central Court Building

201 West Jefferson, 1st floor

Phoenix, Arizona 85003

Clerk of the Superior Court **Southeast Court Complex** 222 East Javelina Drive, 1st floor Mesa, Arizona 85210

Clerk of Superior Court **Northeast Court Complex** 18380 North 40th Street Phoenix, Arizona 85032 Clerk of the Superior Court Northwest Court Complex 14264 West Tierra Buena Lane Surprise, Arizona 85374

FILE: Go to the Clerk of the Court filing counter to file your documents.

FEES: There is a filing fee and service fees for all Petitions. If there is an existing case between the parents, such as for Divorce or to Establish Paternity or Child Support, you will have

the parents, such as for Divorce or to Establish Paternity or Child Support, you will have to pay an "Appearance" fee and filing fee. If there is a prior case, you <u>must</u> file under that case number (A.R.S. 25-409 (E)). If there is NO prior case (such as where the par \$20**6.00.** If you are entitled to a fee deferral (postponement or payment plan), you may request a deferral of the filing fees (and the Sheriff's service fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of the Court.

The Self-Service Center and the Filing Counter have the deferral forms.

PAPERS: Hand all THREE (3) sets of your court papers to the Clerk along with cash, check or a

Money Order for the filing fee, or the Fee Deferral mentioned above.

MAKE SURE YOU GET THE FOLLOWING BACK FROM THE CLERK:

- Your Set of Copies
- The Other Party's Set of **Copies**
- STEP 4: <u>SERVE THE PAPERS ON THE OTHER PARTY.</u> Read the packet at the Self-Service Center called "Service of Court Papers" that applies to your situation. This will explain how to serve the other party. Remember to file your Affidavit, Waiver or Acceptance of Service as soon as the Respondent is served.
- **STEP 5:**WAIT. Depending on HOW and WHERE you served the papers on the other party (in-state, out of state, by publication, etc.), he or she has a certain number of days to file a RESPONSE to tell the Court that he or she disagrees with your facts, or objects to the Orders you want the Court to make. You should receive a copy of the Response and a notice about when and where you must appear for any Court procedure or hearing.

If NO RESPONSE is filed, you must file papers to tell the Court the other party DEFAULTED - that is, the other party agrees with your request - or at least did not file papers to disagree, so the Court should move forward. See the Self-Service Center's "Default" packet and follow the timetable and procedures there to apply for your default court order.

Superior Court of Arizona Maricopa County Family Court Cover Sheet

For Use *WITH* Minor Children

Check only one:	
Dissolution (Divorce)	
Legal SeparationAnnulment	
Order of Protection	Case Number (Clerk will stamp
Paternity	case # when documents are filed)
* Custody/Visitation	date ii iiioii decamente are med,
* Child Support	
* Check only if no other category applies	ATLAS number(s): (if applicable)
Instructions:You must provide the following information a	hout vourself and the other party
 Type or print neatly in black ink. 	bout yourself and the other party.
If more room is needed for children or Petitio	ner/Respondent, please attach a separate
page.	Information Alexandra Boomer Land
Information About the Petitioner: Name:	Information About the Respondent: Name:
Address:	Address:
City, State, Zip:	City, State, Zip:
Home phone #: ()	Home phone #: ()
Work phone number: ()	Work phone number: ()
Cell phone/pager: ()	Cell phone/pager: ()
Date of Birth:	Date of Birth:
Social Security	Social Security#:
E-mail address:	E-mail address:
Lawyer's Name and Bar Number:	·/)

|--|--|--|

Names, Dates of Birth, and Socia	I Security Numbers for	or Minor Children Involved:
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN
Names and D/O/B's of any OTHER min NOT involved in this case: Have there been any other cases (EX		
		d provide case numbers if known:
Dome	estic Violence Section	
Is anyone mentioned on this cover she Yes No Has anyone listed on this cover sheet by Order of Protection? Yes If Yes, please identify: Was the Order of Protection granted by Yes No If No, in what court was the Order of Protection of Protec	peen the plaintiff, defenda No the Maricopa County So	ant, or named in a petition for an
Chile	dren's Issues Section	
Are any of the children named above in Yes No	າ any physical danger du	e to abuse or neglect?
Has anyone named on this sheet had a Arizona? Yes No	any involvement with Chi	ld Protective Services in
If Yes, please provide the CPS or Juve	nile Court case number:	
INTERPRETER: Is an interpreter need appropriate boxes below. <i>NOTE: THIS INFORMATION IS TO BE USED FOR</i> Petitioner Respondent La	S IS <u>NOT</u> A REQUEST I	FOR AN INTERPRETER, THIS SONLY.
LOCATION (Check the Superior Court Downtown Phoenix (201 W. Jeffers Southeast Regional (222 E. Javelina)	son St.) 🔲 Northeast P	Phoenix (18380 N. 40 th St.) Regional (14284 W. Tierra
		DDEO

Mailing Address: City, State, Zip Code: Daytime Phone Number: Evening Phone Number:	Petitioner Respo			
SUPERIOR	R COURT OF ARIZO	NA IN MARICOPA	COUNTY	
Petitioner		Case No.		
		ATLAS No.		
Respondent		SENSITIVE DATA (Not public record)	SHEET	
(except on " A. Personal Information: Petitioner: Respondent: Child: Child:	k of Court. Omit Accou Orders of Assignment") v Name		er forms.	ecurity Number
Child: Child: B. Financial Account Num	abers (including credit	cards, financial and in	vestment a	ccounts, debts):
C. Pension and Retirement Financial Institution				Account #
D. Life Insurance Policies Insurance Company	: Type of Policy	Name(s) of Policy	Owner	Policy #

Name of Person Your Address: Your City, State Your Telephone ATLAS Number Attorney Bar Nu
Representing:
Name of Petition
and
anu
Name of Respon

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers are served on you with this "Summons".

Name of Respondent/Defendant

- 2. If you do not want a judgment or order taken against you without your input, you must file an "Answer" or a "Response" in writing with the court, and pay the filing fee. If you do not file an "Answer" or "Response" the other party may be given the relief requested in his/her Petition or Complaint. To file your "Answer" or "Response" take, or send, the "Answer" or "Response" to the Office of the Clerk of the Superior Court, 201 West Jefferson Street, Phoenix, Arizona 85003-2205 or the Office of the Clerk of the Superior Court, 18380 North 40th Street, Phoenix, Arizona 85032 OR Office of the Clerk of Superior Court, 222 East Javelina Drive, Mesa, Arizona 85210-6201 or Office of the Clerk of Superior Court, 14264 West Tierra Buena Lane, Surprise, Arizona, 85374. Mail a copy of your "Response" or "Answer" to the other party at the address listed on the top of this Summons.
- 3. If this "Summons" and the other court papers were served on you by a registered process server or the Sheriff, within the State of Arizona, your "Response" or "Answer" must be filed within TWENTY (20) CALENDAR DAYS from the date you were served, not counting the day you were served. If this "Summons" and the other papers were served on you by a registered process server or the Sheriff outside the State of Arizona, your Response must be filed within THIRTY (30) CALENDAR DAYS from the date you were served, not counting the day you were served. Service by a registered process server or the Sheriff is complete when made. Service by Publication is complete thirty (30) days after the date of the first publication.

4.		this case from the Petitioner at the address at the top of ourt's Customer Service Center at 601 West Jackson, Drive, Mesa, Arizona 85210.
5.		ersons with disabilities must be made to the office of e, at least five (5) days before your scheduled court
SIG	NED AND SEALED this date	MICHAEL JEANES, CLERK OF COURT
	By	
	Deputy Clerk	

	() (5	
	e(s) of Person(s) Filing:	
	ess: State, ZIP:	
Davti	State, ZIP:	
lam	/ We are parents or grandparents of the Petiti	ioner or Respondent
	No. (If applicable):	
Repr	esenting Self (without attorney) or Attorney for	or Petitioner Respondent
	pplicable) Attorney Name:	
Attori	ney Bar No	
SHI	PERIOR COURT OF ARIZONA	
	N MARICOPA COUNTY	Coop No
	IN WARICOPA COUNTY	Case No
		PETITION FOR
In the	e Matter of:	GRANDPARENT VISITATION
111 1110	s Matter Of.	
Petitio	oner in Original Case between Parents	Name of Grandparent Requesting Visitation
Respo	ondent in Original Case between Parents	(If Applicable) Name(s) of Other Grandparent (s)Requesting Visitation
Gen	eral Information:	ATLAS No. (if applicable)
1.	Information about me (or us), the G	
	Address:	
	County of residence:	
	Date(s) of Birtin.	
	Occupation(s):	
	My / Our relationship to child(ren) for whom I	
	Parent of Mother of child(ren	
	Parent of Father of child(ren)	
	Uther: (explain):	
2.	Information about the mother of ch	nild(ren)
2.	Information about the mother of ch	• •
2.	Information about the mother of ch	
2.	Information about the mother of che Name: Address: County of residence:	
2.	Information about the mother of che Name: Address: County of residence: Date of Birth:	

		Case No.
Info	ormation about the father of child(re	n)
Nam	e:	
Addr	ess:	
Cour	nty of residence:	
Date	of Birth:	
Occi	upation:	
Info	ormation about other legal guardians	s of child(ren), if any:
Nam		, ,,
	ess:	
Cour	nty of residence:	
Date	e of Birth: upation:	
Occi	apation	
Info	ormation about children for whom I /	We want the visitation order:
Nam	ne:N	lame:
Birth	date:B	irthdate:
Curre	ent Address: C	current Address:
<u> </u>	attrat maridamana	Saveta of acaldon ac
Cour Fath	nty of residence: C er: F	county of residence:ather:
Moth	ner: M	ather: lother:
Nam	ne:N	lame:
Birth	date:B ent Address:C	irthdate: current Address:
Curre	ent Address.	diferit Address.
Cour	nty of residence: C	county of residence:
Fath	er: Fa	ather:
Moth	ner: M	lother:
Lea	al Reason why I/We should have vis	sitation order: (check whichever appl
	•	
Α.	Parents of child(ren) have been di	vorced for at least 3 months:
	Date of Divorce:	
	Court case number:	
	Name of court:	
	Court Location/address:	
В.		(ren) has been dead for at least 3 months
	Date of Death:	· · · · · · · · · · · · · · · · · · ·
C.		(ren) has been missing for at least 3 mon
	Date parent discovered to be missing:	·
	Date reported to Law enforcement agency	
	Name, location of agency:	
D.	Child(ren) born out of wedlock:	
ı,		

		Case N	lo
	E.	If you are asking for visitation rights as PATERNAL grandparent(s), that i or grandparent(s) of the father of the children, complete the information b	
	PATE	ERNITY WAS ESTABLISHED BY: (check one box)	
		Court Order for Paternity from this county or previously transferred to this c	ounty. (A.R.S. § 25-
)) ing an Acknowledgment of Paternity through the Hospital Paternity Program y law on or after July 21, 1996 (A.R.S. § 25-812-814, or § 36-334).	or other means allowed
		hild Support Order: An Order for Child Support has been issued which names the father. (Supply information about the Order as requested below.)	es my/our son/grandson
		arriage: Parties were legally married when child(ren) was (were) born, conc Note: A copy of any documents mentioned above should already be in the	
7.		ements about your relationship with the child(ren) for the I you think it is best for the child(ren) that you have visitation	
8.	You	r plan for visitation for the good of the child(ren): (be spec	ific)
	TRAN	ISPORTATION will be provided by (name):	_ as follows: (explain)
	Durin	g WEEKENDS: (explain specifically)	
	Durin	g the SUMMER MONTHS OR SCHOOL BREAKS: (explain specifically)	
	FOR	HOLIDAYS AND BIRTHDAYS: (explain specifically)	
	<u> </u>	Hocibaro and Birthbaro. (explain specifically)	
	FOR	TELEPHONE CALLS: (explain specifically)	
	OTHE	ER: (explain specifically)	

Other information about the child(ren):

Child's Name	
Lived with	Relationship to child
Street address	City, State
Child's Name	Dates: FromTo
Lived with	Relationship to child
Street address	City, State
Child's Name	
Lived with	Relationship to child
Street address	City, State
or in any other state regarding is above (If so, explain below, using	
or in any other state regarding is above (If so, explain below, using Name of each child:	
or in any other state regarding is above (If so, explain below, using Name of each child:	sues OTHER THAN custody or visitation of any of the child(ren) g extra pages if necessary. IF NOT, GO ON.) Court location
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		Case No						
	Court case numb	oer		Current status				
	Nature of the cou	urt proceeding:_						
	Summary of Cou	ırt order:						
12.	Custody or visitation claims of any person. (check one box) ☐ I DO KNOW ☐ I DO NO KNOW a person other than the Petitioner or the Respondent who has physical custody or who claims custody or visitation rights to any of the children named above. (If so, explain below, using extra page necessary. IF NOT, GO ON).							ms
	Name of each child:							
	Name of person with the claim:							
	Address of person with the claim:							
	Nature of the cla	im:						
Other	Statements to the	e Court:						
13.	VENUE: This is the proper court to bring this lawsuit under Arizona law because it is the county of residence of the petitioner, or the respondent, or the child(ren).							
		RI	EQUEST MA	ADE TO COU	RT:			
(1) (2)								
		OATH AND \	/ERIFICATI	ON OF GRAN	NDPARENT(S)):		
-	E OF ARIZONA y of Maricopa	,						
Compl	the grandparent(s aint/ Petition. All th r) knowledge and t	ne statements in						
iliy(Oui) knowledge and t		SIGNED:					
			SIGNED:					
Subscr	ribed and sworn to							
	sting party(ies),			-			-	
Му Со	mmission Expires:		NOTARY	PUBLIC:				